

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GEORGE BENYAMIN,
PLAINTIFF,

v.

THOMAS BELIVEAU, et, al.
DEFENDANT"S.

FILE
2005 APR -1 A 11:47
CIVIL ACTION
NO.# 05-40004-FDS
MARCH 19, 2005

PLAINTIFF'S NOTICE OF APPEAL

Now comes George Benyamin, Pro-Se, the plaintiff,
and files the instant notice of appeal against the
Court Memo and Order dated March 15, 2005.

Respectfully Submitted,

George Benyamin

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

George Benyamin,
Plaintiff,

V.

Thomas Belivieau, et al.,
Defendant,

CIVIL ACTION

NO. 04-40004-FDS

ORDER OF DISMISSAL

Saylor, D. J.

In accordance with the Court's Memorandum and Order dated 3/15/05 dismissing the complaint in the above captioned matter for the reasons stated therein, it is hereby ORDERED that the above-entitled action be and hereby is dismissed with prejudice.

By the Court,

3/16/05

Date

/s/ Martin Castles

Deputy Clerk

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Jill C. Dagilis
CODE COMMISSIONER

City of Worcester
Department of Code Enforcement
25 Meade Street
WORCESTER, MA 01610
(508) 799-8534

David F. Holden, P.E.
DIRECTOR OF CODE

August 17, 2004

I hereby certify under the penalties of perjury that this is a true copy of the inspection report issued as a result of my inspection of the premises at:

479 CAMBRIDGE ST

Lee Hall
Lee Hall

8-17-04
Date

George Atef R. Benjamin
P.O. Box 466 - MCCI
GARDNER, MA 01440

**VIOLATIONS MARKED WITH AN ASTERISK (*)
MAY ENDANGER OR MATERIALLY IMPAIR
THE HEALTH OR SAFETY OF PERSONS
OCCUPYING THESE PREMISES FOR
DWELLING PURPOSES.**

SIGNED: *Lee Hall*

Approved for delivery by Constable

8/19/04
Date

Dear George Atef R. Benjamin

The Commissioner of Housing Inspection, acting under the authority of Massachusetts General Laws, Chapter 111, Sections 127A and 127B as most recently amended and Chapters I and II of the Sanitary code has caused an examination to be made of the dwelling located at 479 CAMBRIDGE ST in this City on August 11, 2004. According to the records of the Assessors Department this dwelling is owned by you. The examination has revealed that there are violations of the Minimum Standards of Fitness for Human Habitation of the above mentioned Sanitary Code existing in this dwelling.

In a report of the examination made by the inspector, the following violations were listed:

	Int/Ext:	Floor:	Unit No.	Area:	Sanitary Code:
1.	Exterior				410.602
X	Violation: Common areas not clean and free of rubbish or garbage				
	Notes: * Side porches have an accumulation of rubbish and discarded household items and construction debris. Porches must be cleaned and maintained at all times.				
2.	Exterior				410.551-553
	Violation: Windows not screened				
	Notes: * Various windows throughout structure missing screens. Screens must be installed and maintained during the season between April 1st and October 30th inclusively.				
3.	Interior		Unit 1		410.500
	Violation: Ceilings not in good repair or fit for use intended				
	Notes: * Bathroom primary ceiling, cracked, falling and displaying evidence of chronic water damage. Source of water must be identified and repaired. Ceiling must be restored and secondary ceiling replaced.				

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|----|---|--------------|---------|
| 4. | Interior | Unit 1 | 410.351 |
| | Violation: Facilities not properly secured to wall or floor | | |
| | Notes: * Toilet unsecure to floor. Must be repaired. | | |
| 5. | Interior | Unit 1 | 410.350 |
| | Violation: Facilities are not properly connected to drain line | | |
| | Notes: Dwelling unit bathroom sink disconnected from drainline and on/off levers are missing. Must be repaired. | | |
| 6. | Interior | Basement | 410.750 |
| | Violation: Conditions deemed to endanger or impair health or safety | | |
| | Notes: * Kerosene heaters being stored in basement. Must be removed immediately. | | |
| 7. | Interior | Basement | 410.602 |
| | X Violation: Maintain all areas free of rubbish and debris | | |
| | Notes: * Basement has an accumulations of rubbish, discarded water tanks, discarded wire and other household fixtures. All must be removed and area maintained in a clean manner. | | |
| 8. | Interior | Basement | 410.602 |
| | X Violation: Common areas not clean and free of rubbish or garbage | | |
| | Notes: * Basement displays evicence of recent wasteline break and smells. Entire area must be cleaned and sanitized. | | |
| 9. | Interior | common areas | 410.481 |
| | Violation: Name of Owner not properly posted | | |
| | Notes: * There is no posting. Owner must post notice with his name, address and phone number in a conspicuous location, visible to all tenants, on a notice not less than 20 sq. Inches. | | |

You are hereby ordered to correct the violations within 24 (twenty-four) Hours of receipt by you of this notice. A re-inspection of this dwelling will be conducted after the time for compliance with this order has elapsed.

Under Regulation 410.850 of the Sanitary Code you are entitled to a hearing in this matter. Section 410.850(A) reads as follows:

REGULATION 105 CMR 410.880 RIGHT TO HEARING

Unless otherwise specified in 105 CMR 410.000, the following persons may request a hearing before the Commissioner of Housing by filing a written petition.

- (A) Any person of persons upon whom any order has been served pursuant to any regulation of 105 CMR 410.000 (except for an order issued after the requirements of Regulation 410.831 have been satisfied); provided, such petition must be filed within seven days after the order was served.

At the expiration of this period, if you have not taken action to correct the violations cited, this department will pursue any prescribed course of action in accordance with applicable laws and regulations which it deems necessary, including the initiation of appropriate court action.